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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 KIM HA VU, et al.,)

13 Plaintiffs,)

14 v.)

15 WASHINGTON MUTUAL BANK FA, et)
16 al.,)

17 Defendants.)
_____)

Case No.: C 10-04000 PSG

**REQUEST FOR REASSIGNMENT TO
A U.S. DISTRICT COURT JUDGE;
REPORT AND RECOMMENDATION
RE DISMISSAL FOR FAILURE TO
PROSECUTE**

18 Plaintiff filed the complaint in this action on September 7, 2010. The parties were required
19 to file a case management statement on November 16, 2010 and to appear for a case management
20 conference on November 23, 2010.¹ Also, by November 16, 2010, the parties were required either
21 to file written consent to the jurisdiction of the magistrate judge or to request reassignment to a
22 district judge.² None of the parties filed a case management statement or consented or declined
23 magistrate judge jurisdiction, and on November 22, 2010 the Clerk rescheduled the case
24 management conference for January 4, 2011.³ On January 4, 2011, none of the parties appeared at
25 _____

26 ¹ See 9/10/10 Order Setting Initial Case Management Conference and ADR Deadlines (Docket
27 No. 3).

28 ² See Civ. L.R. 73-1(a)(1).

³ See 11/22/10 Clerks Notice (Docket No. 6).

1 the case management conference.

2 If the plaintiff fails to prosecute or to comply with these rules or a court order, the court may
3 dismiss the action.⁴ On February 16, 2011, the court ordered Plaintiff to show cause in writing no
4 later than March 2, 2011 why the case should not be dismissed for failure to prosecute. To date,
5 Plaintiff has not responded whatsoever. Accordingly, the above-captioned action shall be reassigned
6 to a U.S. District Judge with a report and recommendation that the case be dismissed for failure to
7 prosecute.

8 Dated: March 14, 2011

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11 PAUL S. GREWAL
12 United States Magistrate Judge
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⁴ See Fed. R. Civ. P. 41(b).

1 Notice of this filing was automatically mailed to counsel via the court's Electronic Case Filing
2 system.

3 A copy of this filing was mailed to:

4 Kim Ha Vu
5 18900 Newsom Avenue
6 Cupertino, CA 95014

7 Huy Vu
8 18900 Newsom Avenue
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10 Dated:

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Chambers of U.S. Magistrate Judge Paul S. Grewal